

DRAFT
Zoning Board of Adjustment
Meeting Minutes
January 12, 2016

Members: Steve Filipi, Gretchen Wittenborg, Bob Handy, Jack Ernst, Carmen Yon, seated for Davis, and David Maxson, Isotrope, LLC, consultant to the Board, was also seated at the table.

Others Present: Susan Silverman, selectmen's representative, Applicant representatives, Earl Duval, Attorney, Jim George, Site Acquisition, and Ryan Monte De Ramos, radio frequency engineer, were present.

CTO: 7:00 PM.

7:00 PM Public hearing. Blue Sky Towers, LLC application for a variance to install a multi-user Wireless Communications Facility outside of the Town's Wireless Facility Communications Overlay District, consisting of a 140 foot monopole tower within a fenced compound located on the 20 acre parcel known as 36 Webber Lane, Map 11, Lot 30-1, Rural District.

Filipi called the meeting to order and notified the Board and applicant that he was the owner of the Pinnacle LLC and had requested that propagation information be researched for the site. He said he did not see a conflict with his duties as Board Chairman right now, but if the site is under consideration for location of a Blue Sky Tower, he will recuse himself. He asked if the applicant wanted him to recuse himself immediately. Both Attorney Duval and Jim George said they saw no conflict except for the pinnacle site and they want Chairman Filipi to remain an active and voting member of the ZBA on all other sites under consideration.

Mr. Maxson was delayed and Filipi sked the applicant if they wanted to go ahead or wait until Mr. Maxson arrived. They elected to wait since Mr. Maxson was going to present the information on the new propagation plots for the Board.

Minutes. The Board reviewed minutes of the December 8, 2015 meeting. Wittenborg requested that a sentence be struck since it was without context. The Board agreed. Wittenborg moved, Handy seconded and the Board approved the minutes as amended.

Terms of Office. Members Filipi, Handy, Wittenborg and Alternate Yon terms expire in March this year. They will discuss this at a future meeting.

Selectman Silverman announced a second Prime Wetlands Study presentation on January 25th at 6 PM in the Lower Hall. The PowerPoint presentation will be on the Town website. She noted that the study has revealed that Fitzwilliam has about double the wetlands that the state soils survey data shows. Mr. George asked her for an update on the Bard property. Silverman said the proposed sale fell through. He asked about contamination on the property and she advised him to call the Town office to get access to the files.

Hearing resumes. Mr. Maxson arrived at 7:25 and the meeting began. He thanked the applicant for providing the new propagation maps as requested. He proceeded to review with the Board the new maps comparing coverages. Graphs provided by the applicant demonstrate the differences in coverage from the various sites proposed, including the initial site proposed by the applicant and two sites requested by the Board, in addition to sites within the WCOD. The differences in coverage are expressed by the number of structures reached by each tower. [Since there was no way to identify individual buildings, all parcels with a structure on them, as indicated by the assessing files, were identified by a star on the map.] Two sites, both outside the WCOD showed the highest coverage.

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Another graph showed that T-Mobile currently reaches 20.2 square miles of in-vehicle coverage from their sites outside of Fitzwilliam. It also showed the additional in-vehicle coverage that would be provided from various other sites under consideration.

The Board examined each map and noted that co-location is not feasible on an eighty foot tower, any tower in the WCOD would need a height waiver to allow for co-location.

There was a lot of discussion about whether or not one of the Webb Hill sites would not be able to cover the Laurel Lake area. The discussion about sites on Webb Hill included concerns about visibility of a tower from the Lake. There was discussion about access, constructability, leasability and feasibility of constructing a tower on Webb Hill. The applicant has attempted to contact the owner of the Webb Hill site, but has not discussed these issues with him yet.

In discussing the tower site options to get the most coverage, the board referred to the coverage graph and concluded that building two towers within the WCOD would provide as much coverage as the applicant's proposed site outside of the WCOD.

Attorney Duvall said he appreciated the thorough review, but T-Mobile's "responsible siting" policies try to avoid any site that could be contentious or that would require the company to compromise their coverage target objective for the area. He added they have not done the research yet on the feasibility of the Webb Hill and Pinnacle sites.

Wittenborg noted that it would be very hard for the Board to meet the "spirit of the ordinance" criteria in granting a variance for a site outside the WCOD. She added that while visibility of a tower on Webb Hill may be problematic, everyone in town would see the proposed Webber Lane tower every day. She noted that for her, the proposed access to the proposed tower on Webber Lane was a big problem too. She said that the proposed access to the tower would have a major impact on the on the roads and the neighborhood. The tower can be seen both driving into and out of town.

Wittenborg noted that the WCOD ordinance expressed the people's voice as to where cell towers should be placed in town. She said the Board had to evaluate what's best for the town and would like to evaluate each site in the WCOD before branching out to sites outside the WCOD. Mr. De Ramos said the route 119W site is not good for T-Mobile to reach their coverage target and neither is the Route 12S site. Attorney Duvall said asking the applicant to build two towers that don't reach the T-Mobile target coverage is not viable, adding that the applicant will not agree to building two towers. He said that the Board cannot dictate what coverage the applicant needs. He said that he didn't think that any WCOD locations provided a suitable site to obtain their coverage targets, which are specifically designed to close a gap in coverage.

Handy observed that the applicant is not trying to achieve good coverage for the town but for their own purpose. Wittenborg said the T-Mobile coverage target is not meeting Fitzwilliam's coverage objectives. Mr. Maxson intervened saying that the applicant has the prerogative of not providing all the coverage needed, adding that it is beyond the purview of the Board to dictate this.

Wittenborg left the meeting at 9:30 to attend to livestock.

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Yon said he'd asked for current coverage in Fitzwilliam by all carriers. Attorney Duvall said they cannot provide that information for all other carriers since they do not have access to it.

Filipi said that after the last meeting, the Board agreed that certain sites would not work. Mr. Maxson asked under what circumstances the Board would approve a site outside of the WCOD.

Attorney Duvall said that they appreciate the issues the Board has raised and they appreciate the opportunity to be here. He added that if the ZBA would consider the Webb Hill and Pinnacle sites the applicant will determine if either site is leasable, zonable, feasible or viable. Responsible siting requires that they don't place the applicant in front of a freight train or put them in an appealable situation.

Following more discussion about sites, visual impact, town response to various sites, possible balloon tests, and feasibility, Handy moved, Ernst seconded and the Board agreed they wanted the applicant to assess owner interest, access to site and visual impact at the Webb Hill [Winston Roy property] site and the Pinnacle [Filipi property] site. Filipi clarified that the Board is not asking for balloon tests at this time.

Filipi moved, Handy seconded and the Board voted to continue the hearing to February 9, 2016 at 7:00 PM in the Upper Hall.

Mr. Maxson asked if it was appropriate, could a balloon test be conducted if necessary as determined by Attorney Duval. The Board agreed, since there is no noticing deadline to meet.

The meeting adjourned at 10:30 PM.